REMARKS

Claims 1-35 are pending in the present patent application. Claims 1-35 stand rejected. This application continues to include claims 1-35.

Applicants thank the Examiner for considering Applicants' previous Amendment and the arguments set forth therein.

Claims 1-34 were rejected under 35 U.S.C. §102(b) as being anticipated by Boldt, et al., U.S. Patent No. 6,349,304 B1 (hereinafter, Boldt). Applicants respectfully request reconsideration of the rejection of claims 1-34 in view of the following.

Applicants have summarized Boldt in their previous Response, electronically filed August 29, 2007.

Applicants believe that claims 1-34 patentably define Applicants' invention over Boldt, for at least the reasons set forth below.

Applicants hereby incorporate by reference their arguments set forth in their previous Amendments and Responses, electronically filed August 29, 2007, March 27, 2007, February 6, 2007, and October 2, 2006.

Applicants' response to the Examiner's Response to Amendment

In addition to the above, Applicants' submit the following in response to the present Response to Amendment.

1. Boldt teaches querying a target device for setting information before writing the settings

In the Response to Amendment, the Examiner asserts that Applicants' claim that Boldt teaches querying a target device for setting information before writing the settings is not completely correct.

However, in their previous Amendment of August 29, 2007, Applicants showed that Boldt does in fact query a target device for setting information *before any attempt at writing the settings*, for example, as set forth in the Boldt summaries in the section entitled "Summary of the Preferred Embodiments" at columns 1 and 2, and in the summary of the Boldt process at column 11, lines 5-24.

In particular, Applicants provided in their previous Amendment of August 29, 2007 **a copy of a Boldt Amendment from the Boldt prosecution history, wherein the Boldt applicants <u>repeatedly emphasized</u> that <u>the determination of features the target device can implement is made *before the feature values are transmitted*</u> to the target devices, and that <u>*only those values that are capable of being implemented* by the target device are transmitted to the target device</u>.** For example, see page 11 of the Boldt Amendment that Applicants' previously provided, which repeatedly emphasizes that features that the target device is capable of implementing are determined, and then, the values are transmitted. In particular, the bottom paragraph on page 11 makes clear <u>only</u> those that the target device is capable of implementing are transmitted.

Thus, Boldt clearly discloses <u>querying a target device for setting information before writing the settings</u>, i.e., <u>querying a target device for setting information and then writing only those settings that were previously found to be acceptable</u>, which is supported by both the Boldt disclosure and the Boldt prosecution history.

2. Interpretation of the Boldt reference

Applicants respectfully submit that the Examiner's interpretation of Boldt is not entirely correct, but rather, is incorrect regarding at least one key aspect.. For example, the Examiner

continues to assert that Boldt discloses copying the features, and then retransmitting settings after an error.

In order to help clarify the Boldt reference, Applicants respectfully submit as follows:

In the Response to Amendment, the Examiner relies on col. 6, line 24 to column 7, line 52, col. 6, lines 32-38, col. 6, lines 46-51, and col. 7, lines 15-23 as assertedly disclosing a first Boldt copying process and settings not accepted during the first copying process.

However, the relied-upon passages are part of the Boldt description of the graphical user interface, <u>not</u> part of the description of specifically when the various dialog boxes are used in the Boldt process relative to other Boldt process steps. For example, the relied-upon passages clearly fall under the heading, "Graphical User Interface for Controlling Printer Settings." The Boldt discussion therein thus <u>pertains to the nature of the graphical interfaces, and indicates what may be done with the graphical interfaces,</u> but <i><u>does not set forth the sequence of events, which is subsequently described under the heading "Operation of Interface."</u></i>

The sequence of events in the Boldt process is described with respect to Fig. 8, and extends from col. 7, line 55 to col. 9, line 48 under the heading "Operation of Interface." Thus, <u>although Boldt describes the graphical interface before describing the operation of the interface, this does not imply that statements made in the description of the interface itself are process steps that precede the steps described in the Operation of Interface section.</u>

However, it appears that the Examiner is relying on statements made in the Boldt description of the graphical interface (i.e., under the heading "Graphical User Interface for Controlling Printer Settings") as being part of the Boldt sequence, although the relied-upon statements are <u>not part of the sequence of the Boldt method</u>.

Although the relied-upon Boldt passages disclose that dialog box 32 shows values which failed to copy over successfully, e.g., at col. 7, lines 15-23, there is nothing in the Boldt reference to indicate a remedial action, such as <u>writing, for at least one of said each setting not accepted</u> by said at least one target device, a value to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

Although the Examiner asserts that the Boldt process described at col. 8, lines 50-53 and col. 8, line 50 to col. 9, lines 12 pertains to *retransmitting* settings after the error, Applicants respectfully point out that the passage at col. 7, lines 15-23 is not part of the Boldt process description, as set forth above, but rather, is part of the description of the graphical interface. Rather, the description of the Boldt process takes place subsequent to the passage at col. 7, lines 15-23, starting at col. 7, line 55 and ending at col. 9, line 48 under the heading "Operation of Interface," and is described with respect to Fig. 8.

Thus, the Boldt discussion pertaining to dialog box 32 showing values which failed to copy over successfully **is not a process step that takes place prior to the Boldt process** that is described in the relied-upon passages at col. 8, lines 50-53 and col. 8, line 50 to col. 9, lines 12, **but rather a description relating to what dialog box 32 does**. The Boldt process description under the heading "Operation of Interface" clearly discloses that **dialog box 32 does not come into play until the end of the Boldt process – see col. 9, lines 33-37**. There are **no subsequent Boldt steps that perform a remedial action or a retransmission after the step pertaining to dialog box 32**, such as <u>writing, for at least one of said each setting not accepted</u> by said at least one target device, a value to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

Thus, in view of all of the above, Applicants respectfully submit that an accurate interpretation of the Boldt reference leads to the necessary conclusion that Boldt does not disclose copying the features, and then retransmitting settings after an error, but rather, discloses <u>querying a target device for setting information before writing the settings</u>, i.e., <u>querying a target device for setting information and then writing only those settings that were previously found to be acceptable</u>.

3. Applicants' claims clearly specify a particular sequence of events patentably distinct from Boldt.

In the Response to Amendment, the Examiner asserts that Applicants' claims do not clearly specify particular steps of all of the events, referring to Applicants' statements on page 15 of their previous Amendment.

On page 15 of their previous Amendment of August 29, 2007, Applicants' indicated that their claims <u>clearly recite a remedial action that is not disclosed by Boldt</u>, such as (**1**) writing each setting of said plurality of source device settings to said at least one target device; (**2**) querying said at least one target device for setting information <u>based on each said invalid setting indication</u>; and (**3**) <u>writing, for at least one of said each setting not accepted</u> by said at least one target device, <u>a value</u> to said at least one target device, said value corresponding to said setting information, as recited in claim 1.

Applicants respectfully disagree with the Examiner's assertion, and will show as follows, using claim 1 as an exemplary claim, that Applicants' claims do indeed specify a particular sequence of events patentably distinct from Boldt.

Claim 1 recites a **first clause** - writing each setting of said plurality of source device settings to said at least one target device; a **second clause** - generating an invalid setting indication for each setting not accepted by said at least one target device; a **third clause** - querying said at least one target device for setting information based on each said invalid setting indication; and a **fourth clause** - writing, for at least one of said each setting not accepted by said at least one target device, a value to said at least one target device, said value corresponding to said setting information.

The purpose of Applicants' statement on page 15 of their previous Amendment included trying to point out to the Examiner that Applicants' query takes place after the writing of the values, and that a second writing tales place, and hence left out the claim language pertaining to the second clause - generating an invalid setting indication. Nonetheless, the sequence of events in Applicants' claims is clearly delineated and is patentably distinct from the Boldt process.

For example, because the first clause recites writing the source device settings, it is clear that **the actions of the second clause** (generating an invalid setting indication for each setting not accepted by a target device) **necessarily follow the actions of the first clause**, since the first clause is where the writing attempt takes place, and hence is where the "each setting not accepted" referred to in the second clause is obtained.

The actions of the third clause (querying the at least one target device for setting information based on each invalid setting indication) **necessarily follow the actions of the second clause** because the "invalid setting indication" referred to in the third clause is introduced as being generated in the second clause, and hence has its antecedent basis in the second clause.

The actions of the fourth clause (writing, for at least one of the each setting not accepted by the at least one target device, a value to the at least one target device, said value corresponding to the setting information) **necessarily follow the actions of the third clause**, since the "setting

information" referred to in the fourth clause is introduced as being obtained by query in the third

clause, and hence has its antecedent basis in the third clause.

Thus, the sequence of events is clearly that the fourth clause necessary follows the third

clause, which necessarily follows the second clause, which necessarily follows the first clause.

In contrast to writing the settings, then generating an invalid setting indication for settings

not accepted, then querying for setting information based on the invalid setting indications and

then writing a value corresponding to the setting information, e.g., as recited in claim 1, Boldt

discloses querying a target device for setting information before writing the settings, i.e., querying

a target device for setting information and then writing only those settings that were previously

found to be acceptable, which is supported by both the Boldt disclosure and the Boldt prosecution

history, and **which negates the need for any asserted Boldt retransmission step,** *since only*

those settings that are known to be acceptable **to the target are written to the target**.

Applicants claims require that a first write attempt is made, followed by a determination of

which settings were not accepted, followed by a second writing, which Boldt does not disclose, teach,

or suggest.

Thus, the fundamental operation of Applicants' invention stands in stark contrast to that of

Boldt, which discloses determining which features are available at the target device, and then

transmitting only those that are acceptable, as is repeatedly made clear in the Boldt specification,

drawings, claims, and prosecution history.

As set forth in MPEP 2131, "A claim is anticipated only if each and every element as set

forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987) (Emphasis added). "The identical invention must be shown in as complete

detail <u>as is contained in the ... claim</u>." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989)(Emphasis added). The <u>elements must be arranged as</u>

<u>required by the claim</u>, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not

required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (Emphasis added).

Applicants respectfully submit: that since the claim limitations pertaining a first effort

being made to write the settings, and for those settings that were not accepted, a determination

being made as to setting information, and then a second effort being made to write the settings

that were not previously accepted, as recited in claims 1-34, are <u>not</u> expressly or inherently

described in the Boldt reference; that the identical invention is <u>not</u> shown in Boldt in as complete

detail as is contained in the claims; and that the elements in Boldt are <u>not</u> arranged as required by

the claims, claims 1-34 are not anticipated by Boldt.

Accordingly, Applicants respectfully request that the rejection of claims 1-34 under 35

U.S.C. §102(b) be withdrawn.

Claim 35 was rejected under 35 USC 103(a) as being unpatentable over Boldt in view of

Shima, US Patent No. 7,050,192 B2 (hereinafter, Shima). Applicants respectfully request

reconsideration of the rejection of claim 35 in view of the following.

Shima discloses that a program, such as an Applet of JAVA is sent to a host computer 10

from a printer 30 to display a setting screen (col. 4, lines 49-51).

Applicants believe that claim 35 patentably define Applicants' invention over Boldt and

Shima, taken alone or in combination, for at least the reasons set forth below.

Claim 35 is directed to a method for a computer to establish, via a network, target device

settings for a plurality of target devices based on source device settings of a source device.

Claim 35 recites (a) establishing a network connection between said computer and said

source device; (b) said source device transmitting an applet to said computer via said network

connection; and (c) executing said applet on said computer to establish said target device settings

in said plurality of target devices by:

> entering IP addresses for each target device of said plurality of target devices;
>
> establishing a first remote session with said source device;
>
> retrieving a settings list from said source device;
>
> retrieving said source device settings;
>
> terminating said first remote session with said source device; and
>
> for said each target device:
>
>> establishing a second remote session with said each target device;
>>
>> transmitting and writing said source device settings to said each target device;
>
> and
>
>> determining whether any settings were not accepted by said target device,
>>
>> wherein for said any settings that were not accepted by said target device, said
>
> method further comprising:
>
>> generating an invalid setting indication;
>>
>> determining available settings for said target device based on said invalid
>
> setting indication;
>
>> displaying said available settings to a user;
>>
>> said user selecting a desired value from said available settings as a
>
> replacement for said source device setting; and
>
> transmitting and writing said desired value to said target device.

Boldt does not disclose, teach, or suggest the subject matter of claim 35 for at least the reasons set forth above with respect to claims 1-34. For example, Boldt does not disclose, teach, or suggest a second transmitting and writing of a desired value after receiving an invalid setting indication, wherein the desired value is selected from available settings as a replacement for the source device setting.

Rather, as set forth above, Boldt discloses querying a target device for setting information before writing the settings, i.e., querying a target device for setting information and then writing only those settings that were previously found to be acceptable, which is supported by both the Boldt disclosure and the Boldt prosecution history, and which negates the need for any asserted Boldt retransmission step, since only those settings that are known to be acceptable to the target are written to the target.

Shima does not make up for the deficiency of Boldt as with respect to claim 35, nor is it so asserted. Rather, Shima is relied on for sending an applet from a printer to a host computer.

Accordingly, Boldt and Shima, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 35. Applicants thus respectfully request that the rejection of claim 35 under 35 U.S.C. §103(a) be withdrawn.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally

petition therefor and authorize that any charges be made to Deposit Account No. 20-0095,

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      Should any question concerning any of the foregoing arise, the Examiner is invited to

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